



**PRESENT:**

Mr. Sherman W. Litton, Chairman  
Mr. Jack R. Wilson, III, Vice-Chairman  
Mr. Russell J. Gulley  
Mr. F. Wayne Bass  
Mr. Daniel A. Gecker  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Plans and Information  
Branch, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects, Planning Department  
Mr. Robert V. Clay, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Jane Peterson, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Darla W. Orr, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Teresa C. Davis, Administrative Secretary, Zoning and  
Special Projects, Planning Department  
Mr. J. Michael Janosik, Planning Administrator,  
Planning Department  
Mr. Carl D. Schlaudt, Planning Administrator,  
Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review, Planning Department  
Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review, Planning Department  
Mr. Alan G. Coker, Senior Planner, Development  
Review, Planning Department

Mr. Zachary L. Robbins, Planner, Development  
Review, Planning Department  
Mr. David A. Hainley, Planning Administrator,  
Development Review, Planning Department  
Ms. Barbara Fassett, Planning Administrator, Advance Planning  
and Research Branch, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Branch, Planning Department  
Mr. Steven F. Haasch, Senior Planner, Advance Planning and  
Research Branch, Planning Department  
Ms. Linda N. Lewis, Administrative Assistant, Administrative  
Branch, Planning Department  
Ms. Vanessa N. Kent, Secretary, Administrative  
Branch, Planning Department  
Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Budget Manager,  
Budget and Management Department  
Mr. James R. Banks, Assistant Director,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Mr. Douglas Pritchard, Jr., Engineering Supervisor,  
Environmental Engineering Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Assistant Fire Marshal Steve Hall, Fire and Life Safety,  
Fire Department  
Ms. Cynthia Owens-Bailey, Director of Planning,  
School Administration

### **WORK SESSION**

At approximately p. m., Messrs. Litton, Wilson, Gulley, Bass, Gecker and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Day's Agenda.**  
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. Review Next Month's Agenda.**  
(NOTE: At this time, any rezonings or conditional uses scheduled for next month will be discussed.)
- D. Plans and Information Section Update.**

- E. **Work Program – Review and Update.**
- F. **Discussion of Subdivision Ordinance Amendment relative to Standards for Paving of Streets and Acceptance into the State System.**  
(NOTE: Staff is requesting deferral of this item to a future Planning Commission meeting, pending direction of the Board of Supervisors.)
- G. **Proposed Ordinance Amendment to Industrial Zoning Districts relative to Setbacks from Other Zoning Districts.**
- H. **Proposed Amendment to Sign Ordinance relative to Offsite Directional Signs.**

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission amended the agenda to add a new Item I, Substitute Committee Membership for Mr. David Root and reordered the agenda accordingly.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**B. REVIEW DAY'S AGENDA.**

Mr. Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendation for, Case 05PS0144, Riverstone Properties, LLC (Centerpointe), to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

Mr. Turner presented an overview of the proposed Ordinance Amendment relative to home occupations, scheduled for public hearing at the 7:00 p. m. Evening Session, noting staff was requesting the amendment be deferred to the Commission's April 19, 2005, public hearing to allow staff time for further study and revision.

Upon conclusion of the discussion relative to home occupations, it was the consensus of the Commission to defer the Ordinance Amendment relative to home occupations to the March 15, 2005, Planning Commission Work Session for further discussion, with the anticipated date of April 19, 2005, to be scheduled for public hearing.

Mr. Turner noted a Joint Planning Commission/Historic Preservation Committee public hearing was scheduled on March 15, 2005, at 7:00 p. m. in the Public Meeting Room.

**C. REVIEW UPCOMING AGENDAS.**

Ms. Rogers presented an overview of the Commission's upcoming agenda requests for the February 17 and March 15, 2005, Planning Commission meetings.

**D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.**

Ms. Fassett updated the Commission as to the status of pending projects, noting the Affordable Housing Task Force committee met on February 3, 2005 but did not schedule a future meeting and that the draft Chester Plan Amendment was scheduled for discussion at the March 15, 2005, Planning Commission Work Session.

**E. WORK PROGRAM.**

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their March 2005 Work Program, as outlined.

**F. DISCUSSION OF SUBDIVISION ORDINANCE AMENDMENT RELATIVE TO STANDARDS FOR PAVING OF STREETS AND ACCEPTANCE INTO THE STATE SYSTEM.**

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer discussion of the Subdivision Ordinance relative to standards for paving of streets and acceptance into the State System to the March 15, 2005, Planning Commission Work Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**G. PROPOSED ORDINANCE AMENDMENT RELATIVE TO SETBACKS IN INDUSTRIAL ZONING DISTRICTS FROM OTHER ZONING DISTRICTS.**

Mr. Allen presented a PowerPoint overview of the proposed amendment to setbacks in Industrial Zoning Districts from other zoning districts.

Upon conclusion of the presentation/discussion, the Commission requested staff provide draft Ordinance language for discussion at the March 15, 2005, Planning Commission Work Session.

**H. PROPOSED AMENDMENT TO SIGN ORDINANCE RELATIVE TO OFFSITE DIRECTIONAL SIGNS.**

Due to time constraints, it was the consensus of the Commission to defer discussion of a proposed Ordinance Amendment relative to Offsite Directional Signs to the March 15, 2005, Planning Commission Work Session.

**I. SUBSTITUTE COMMITTEE MEMBERSHIP FOR MR. DAVID ROOT.**

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission appointed Mr. David Reel of the Richmond Home Builders Association to replace Mr. David Root on the Affordable Housing Task Force, Differential Cash Proffer Policy, Neo-Traditional Zoning District and Water Quality Protection Ordinance Amendment committees.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Gulley suggested that a representative from the residential community be nominated/appointed to the committee.

**J. RECESS.**

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission adjourned at 2:35 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**3:00 P. M. AFTERNOON SESSION**

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**B. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the December 13, 2004, Planning Commission minutes, deferred from a previous meeting and the January 18, 2005, Planning Commission minutes.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to approve the December 13, 2004, Planning Commission minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to approve the January 18, 2005, Planning Commission minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**C. CONSIDERATION OF THE FOLLOWING REQUESTS:**

**♦ DEFERRAL.**

**05PS0144:** (Amended) In Matoaca Magisterial District, **RIVERSTONE PROPERTIES, LLC** requested deferral to April 19, 2005, of consideration for schematic plan approval. This project is commonly known as **CENTERPOINTE**. This request lies in Residential (R-7), Corporate Office (O-2) and Community Business (C-3) Districts on a 748.3 acre parcel fronting in two (2) places for a total of approximately 4,400 feet on the north line of Powhite Parkway and along the east and west lines of Route 288. Tax IDs 724-693-6630; 724-694-5390; 726-694-Part of 0343 and 8763; 726-695-Part of 0706, 3178 and 7906; 726-697-4349; 727-

698-7803; 728-695-2429 and 8731; 728-697-2424; 729-696-0058; 731-696-2505; 732-694-0332; and 733-695-1700 (Sheets 5, 9 and 10).

Mr. Andrew Gibb, the applicant's representative, requested deferral to March 15, 2005, noting he was awaiting written responses to resolve outstanding issues.

In response to Mr. Gibb's question, Mr. Banks addressed transportation issues, noting a sixty (60) day deferral should provide sufficient time to discuss these concerns.

Mr. Gulley indicated that he and members of the Brandermill community leadership wished to review any phasing plans submitted.

Mr. Bill Johns, an adjacent property owner, expressed concerns that the request had been deferred since November 2004; that no one had met with him since that time to discuss his concerns; and that he, too, would like to review/discuss any transportation phasing plans submitted.

Mr. Gibbs stated he was willing to meet with anyone concerned with the request.

Mr. Bass stated he felt deferral to the April 19, 2005, Planning Commission meeting would be more appropriate to allow sufficient time for resolution of outstanding issues, noting he would notify Messrs. Gulley and Johns relative to the submittal of phasing plans.

The following motion was made at Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission, on their own motion, resolved to defer Case 05PS0144 to the April 19, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**05PR0220:** In Clover Hill Magisterial District, **LIFESTYLE BUILDERS** requested site plan approval including a twenty-five (25) foot reduction to the fifty (50) foot buffer required along the eastern property line. This project is commonly known as **LIFESTYLE - MARKET SQUARE**. This request lies in a Neighborhood Business (C-2) District on a six (6) acre parcel fronting approximately 428 feet on the north line of Market Square Lane, also fronting approximately forty-two (42) feet on the east line of South Old Hundred Road. Tax ID 733-679-2883 (Sheet 16).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Ms. Roe Aponte, District Manager of the Knowledge Learning Corporation, Inc., requested the installation of a ten (10) foot fence along the property line to preclude noise from the daycare facility disturbing the adjacent offices.

In response to Ms. Aponte's concern, Mr. Scherzer indicated the rear of the office buildings would abut the daycare facility and felt the orientation would negate any noise disturbance.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved that site plan approval, including a twenty-five (25) foot reduction to the fifty (50) foot buffer required along the eastern property line, for Case 05PR0220, Lifestyle Builders (Lifestyle – Market Square), shall be and it thereby was granted, subject to the following conditions and review comments:

CONDITIONS:

1. Plans shall be revised and resubmitted in accordance with the staff review comments (see below). (P)
2. Evergreen trees and shrubs shall be located along the western perimeter of the parking lot, adjacent to Nuttree Subdivision, Section 2, Lots 50, 51 and 52. An evergreen hedge shall be established and maintained within the large parking lot island and along the entire western edge of the parking lot. The height of shrubs at the time of planting shall be thirty-six (36) inches above the base of the curb, taking into account the slope on the rear side of the curb. The landscape plan shall be revised accordingly and submitted to the Planning Department for review and approval prior to final site plan approval. (CPC&P)
3. The height of all exterior light fixtures shall not exceed fifteen (15) feet. All parking lot light fixtures shall be high-pressure sodium lamps with a visually warm light source, producing color temperatures of 3000K or less. Freestanding light fixtures shall be cut off style fixtures with flat lens and those lights located along the western edge of the parking lot and along the eastern boundary adjacent to the property zoned agricultural shall be equipped with house side shields. Wall mounted HID light fixtures shall only cast light in a downward direction. (CPC&P)
4. Evergreen trees and shrubs shall be planted in the buffer area along the eastern property line. Where the retaining wall is located, planting shall be installed on the upper side of the retaining wall. The wall and any supporting structure (i.e. geo-grid fabric or other material) shall be designed and constructed to account for the landscaping. The quantity of landscaping shall be in accordance with the evergreen tree and shrub requirement of Section 19-522(a) (2) for fifty (50) foot buffers (one and five-tenths the density of perimeter landscaping C), except that the size of the plantings need only be one-half of the required size. Existing trees and shrubs may be credited toward this requirement as determined in the field by an agent of the Planning Department. The buffer plantings shall have a source of water available either by hose bibs, located no further than 200 feet apart, or by an automated irrigation system. (P)
5. The proposed buildings shall be limited to one story in height or twenty-six (26) feet, whichever is less.
6. All building mechanical equipment shall be ground mounted. (CPC)

7. All buildings shall be constructed in accordance with the elevations prepared by Balzer Associates, Inc., dated January 25, 2005, to provide brick and brick details on all four (4) sides of the building, and to provide a low-sloped dark green roof with matching panels on the rear sides of the parapet walls. (CPC&P)

REVIEW COMMENTS:

1. The minimum velocity entering the pipe should be two (2) feet per second. The flat slope of the pipe is causing ponding in the right of way. To avoid erosion in the right of way the upper end of the pipe should be raised. Please clean the existing pipe and re-establish the outfall. (VDOT)
2. Show the existing eight (8) inch valve on Red Chestnut Court. (U)
3. On Market Square Lane, redirect the arrow from the existing eight (8) inch gate valve note to the valve symbol near the water meter. The as-built for this waterline notes that the eight (8) inch stub was deflected to clear the future storm sewer. Delete the ninety (90) degree bends and show the waterline continuing under the storm pipe. Show it to transition to ten (10) feet from the proposed sewer. (U)
4. On the sewer profiles, show the two (2) influent lines to existing manhole #8 at 203.47 (0.1 foot above outfall). (U)
5. Inadequate cover from manhole #8 to #2 requires ductile iron pipe. (U)
6. Mark the sewer "private" from existing #8 through #4 if that is the intention. Delete the sewer easement. (U)
7. Mark the existing sewer from #8 to #10 to be abandoned. (U)
8. For the water service to building "B", show an eight (8) by eight (8) tee instead of an eight (8) inch ninety (90) degree bend, with an eight (8) inch: four (4) inch reducer and a four (4) inch gate valve. Show four (4) inch ductile waterline to three (3) feet past the water service to the meters, with a two (2) inch flushing hydrant at the end. Add an eight (8) inch valve north. (U)
9. For the water service to Building "D", show an eight (8) by six (6) tee at the fire hydrant with a six (6) inch valve for the hydrant, an eight (8) inch: four (4) inch reducer and a four (4) inch gate valve. Extend four (4) inch ductile iron waterline to three (3) feet past the water service to the meter, with a two (2) inch flushing hydrant at the end. Shift the water easement to match the shifted waterline. (U)
10. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and/or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. Virginia Pollutant Discharge Elimination System permit for construction sites of one (1) acre or more), ground water and air quality". Final approval of



these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)

11. Due to the adoption of an amendment to the Chesapeake Bay Protection Act Ordinance on November 23, 2004, by the Board of Supervisors, a perennality determination must be submitted to the water quality section for review and approval prior to site plan approval. If a perennial stream is located on the property a 100 foot buffer is required and could affect the layout of the site. (EE)

Note: Subsequent to the time this comment was made the Water Quality Section has determined that no perennial streams exist within the limits of this site. From a field inspection, a perennial stream is located immediately downstream; this location is marked in the field and the responsibility to survey this location is that of the developer/engineer. (EE)

12. Market Square Lane must be accepted in the state secondary road system prior to the issuance of a building permit or a bond will be required until the road is accepted. (EE)
13. The structure schedule must be revised to match the profile and storm sewer calculations. (EE)
14. Revise the runoff coefficient of the offsite drainage area to Structure 8 to reflect ultimate conditions. (EE)
15. Include 0.95 acres of onsite drainage area within the storm sewer calculations for Structure 13. (EE)
16. Steps standard St-1 must be specified in the tabular drainage description of any structure over four (4) feet in height. (EE)
17. The wetlands must be flagged prior to the issuance of a land disturbance permit. Place this note prior to step one of the erosion control narrative. (EE)
18. Structure 13 must be onsite prior to the issuance of a land disturbance permit, place this note prior to step one of the erosion control narrative. (EE)
19. All volumes and elevations are listed incorrectly on BMP profile on Sheet C10. (EE)
20. All onsite drainage easements including stormwater/BMP. Drainage easements must be recorded prior to issuance of a building permit for this project. (EE)
21. The stormwater/BMP facility must be certified by a professional engineer prior to issuance of any occupancy certificates. (EE)
22. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be AutoCAD.dwg or dxf, must be submitted to Virginia Barbour of the Environmental

Engineering Department. The diskette/cd must contain the following, each in a separate layer:

- a. Final grading contour lines (five (5) foot intervals);
- b. Proposed building footprint;
- c. All impervious area (parking lots, driveways, roads, etc); and
- d. The storm sewer system.

A layer report printed from AutoCAD must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All AutoCAD files must be referenced directly to the Virginia state plane coordinate system, south zone, in the NAD83 datum. (EE)

- 23. A land disturbance permit is required for this project and the following are required prior to its issuance:
  - a. Substantial or full site plan approval.
  - b. A letter must be received from a qualified wetlands expert stating:
    - 1. There are no wetlands impacted on this project, or
    - 2. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted).
  - c. Copies of the Virginia Pollutant Discharge Elimination System (VPDES) general permit registration statement and permit fee form (as developed by the Department of Environmental Quality) must be submitted (sites of one (1) acre or more). (EE)
- 24. Revise rear building elevations to comply with the standard for equal quality materials on all sides of buildings pursuant to Section 19-595. (P)
- 25. Revise the buffer note on the landscape plan to reflect the following portion of Condition 4 of Case 86S082 as follows: "Per Condition 4 of Case 86S082, the buffer shall be flagged and the Planning Department contacted to inspect the buffer area. If existing vegetation is not sufficient to provide year round screening, additional landscaping shall be installed." Note: Year round screening may require the installation of evergreen trees and opaque fencing. (P)
- 26. On Sheet C4 and on the landscape plan label buildings a, b, c etc. for reference purposes. (P)
- 27. The architectural theme statement submitted on January 5, 2005, does not reflect the most recent elevations received on January 26, 2005. Revise and resubmit the architectural theme statement to match the proposed elevations. (P)

28. BMP landscaping. Section 19-518 (i) requires that any fencing used around BMP ponds to be of an ornamental design. If a safety fence is required by the Environmental Engineering Department, a plan depicting these requirements shall be submitted for review and approval. Under no circumstances shall requirements for landscaping interfere with any County requirements for the basin design, access, or maintenance. (P)
29. Landscape plan revisions. Add two small deciduous trees within the parking lot islands in order comply with requirements for parking lot trees (Section 19-518). (P)
30. Submit the following plans and details to the Planning Department for review and approval:
  - a. Lighting plans, photometrics, and catalogue sheets for all light fixtures. Furnish two (2) copies of lighting plan and lighting cut sheets of all exterior lights. The lighting plan should show the location of all building-mounted and free-standing light fixtures. Luminaries shall be of a directional type capable of shielding the light source from direct view from public rights of way. Reference Section 19-508.3 and Condition 6 of Case 86S082. Also see conditions of site plan recommended to the Planning Commission for their consideration.
  - b. Irrigation plans or hosebibs. Landscape plantings are to have water readily available to them. This can be through an irrigation system or with hose bibs. All plants are to be within 100 feet of a hose bib. Insure water information is supplied on Utility Department meter sizing forms. Prior to issuance of any building permit, construction drawings for the proposed method of watering shall be submitted to the Planning Department for review and approval.
  - c. Sign package (reference Section 19-641). (P)
31. Put a revision date on the resubmitted plans. Resubmit ten (10) full sets and one (1) copy of the site plan sheet to the Planning Department for your next review. Use the spaces below each comment to describe how you have addressed each review comment and/or condition of Planning Commission approval. Be sure to indicate which sheets show the required changes. Provide a transmittal letter to describe any changes to the plans not caused by the staff review comments or by conditions of Planning Commission approval. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

**05PR0254:** In Clover Hill Magisterial District, **LEROY JEFFERSON, SR.** appealed the decision of the Director of Planning to approve site plan 04PR0195 (NAPA Route 360) regarding access to the residential property to the west. This project is commonly known as **NAPA ROUTE 360**. This request lies in a Light Industrial (I-1) District with Conditional Use Planned Development on a 1.0 acre parcel fronting approximately 143 feet on the north line of Hull Street Road (Route 360), also fronting approximately 279

feet on Tennessee Plaza and located in the northwest quadrant of the intersection of these roads. Tax IDs 736-680-7443, Parts of 4762 and 7972 (Sheet 16).

Mr. Coker presented an overview of the request and staff's recommendation that the decision of the Director of Planning be upheld.

Mr. Ephraim Walker, representing the appellant, presented a history of Mr. Jefferson's property and photos depicting the existing access to the residential property to the west; noting the alternative access, provided by the Virginia Department of Transportation, led to a Route 288 access lane and asked the Commission to consider that the access was a public safety hazard. He stated the proposed site plan would adversely affect access to and from Mr. Jefferson's property because the site plan required elimination of a section of a dirt driveway that Mr. Jefferson currently utilized through the NAPA parcel in order to access a signalized intersection.

Mr. Leroy Jefferson, Sr., the appellant, referenced a 1994 letter from Mr. R. Nelson Beane granting him continued access on and across the subject property; stated VDOT had told him he would be provided with a driveway when Route 288 was constructed; that the access provided him was only a paved entranceway; and that the current driveway he utilized was constructed and maintained by himself.

Ms. Ashley Harwell, representing NAPA, stated on December 30, 2004 administrative approval was granted to Genuine Auto Parts for NAPA Route 360, site plan case 04PR0195 and referenced the portion of Mr. Beane's letter that indicated future development of the site may require the relocation of Mr. Jefferson's access and that Mr. Beane and/or his successors retained the absolute right to alter or change the location of the access. She stated the site plan had been approved providing an alternative means of access from Mr. Jefferson's property to Tennessee Plaza; that other alternatives were available; that NAPA would continue to work with Mr. Jefferson to attempt to resolve his concerns; and requested the Commission deny the appeal.

Mr. Jack Horner, an adjacent property owner, stated he did not object to Mr. Jefferson crossing his property if he could find an access around the NAPA site to access Tennessee Plaza.

In response to questions from the Commission, staff addressed concerns and answered questions relative to access, transportation, alternative access options and safety issues.

Mr. Litton stated he felt the access currently being utilized by Mr. Jefferson was not safe and he would like to see some action taken to accommodate Mr. Jefferson's access through the NAPA parking lot until such time as the adjacent property was developed.

Mr. Wilson stated he did not feel adjudication of a resolution to Mr. Jefferson's access problem was within the purview of the Commission and he was concerned that modifying the request to accommodate Mr. Jefferson would compromise future development/access.

Mr. Gecker agreed that requesting NAPA to provide relief to Mr. Jefferson was not within the purview of the Commission; stated it appeared Mr. Jefferson had lost more than he had gained through the Beane agreement/actions; that he felt the existing access into the Hull Street Road intersection was dangerous; and hoped an appropriate access could be provided to Mr. Jefferson through the paved NAPA parking lot.

Mr. Gulley stated the discussion indicated that everyone present was concerned with Mr. Jefferson's safety. He asked Mr. Horner if he would allow Mr. Jefferson access across his property if NAPA agreed to provide gravel for the access and asked Ms. Harwell if NAPA would agree to incur the cost of placing the gravel on the Horner property along the west and north sides of the NAPA property to allow Mr. Jefferson access to Tennessee Plaza.

Mr. Horner agreed and Ms. Harwell stated she would discuss the proposal with NAPA.

Mr. Gulley stated, based on the legal advice provided him, he felt the Jefferson/Beane agreement, whether executed in fairness or not, placed the County in a precarious position; that he believed the Virginia Department of Transportation had unjustly treated Mr. Jefferson; that he believed NAPA, in working with Mr. Horner and Ms. Harwell, would work toward providing an access to accommodate Mr. Jefferson's needs; and that such an accommodation could be made until such time as the adjacent property developed.

On motion of Mr. Gulley for Case 05PR0254, seconded by Mr. Bass, the Commission resolved to uphold the decision of the Director of Planning to approve site plan 04PR0195 (NAPA Route 360) regarding access to the residential property to the west.

AYES: Messrs. Wilson, Gulley and Bass.

NAYS: Messrs. Litton and Gecker.

**D. FIELD TRIP AND DINNER.**

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to meet for dinner at Lone Star Steakhouse and Saloon at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**E. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Wilson, seconded by Mr. Bass, that the Commission adjourned the Afternoon Session at approximately 4:32 p. m., agreeing to meet at 5:00 p.m. at Lone Star Steakhouse and Saloon for dinner.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

## **7:00 P. M. EVENING SESSION**

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

### **A. INVOCATION.**

Mr. Wilson presented the invocation.

### **B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Clay led the Pledge of Allegiance to the Flag.

### **C. REVIEW MEETING PROCEDURES.**

Mr. Turner apprised the Commission of the agenda for the next three (3) months, noting that the March 15, 2005, agenda was comprised of eleven (11) cases, the April 19, 2005, agenda was comprised of fifteen cases and the May 17, 2005, agenda was comprised of ten (10) cases.

### **D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

### **E. CONSIDERATION OF THE FOLLOWING REQUESTS:**

#### **◆ CASE RESCHEDULED FOR FEBRUARY 17, 2005.**

**05SN0166:** In Dale Magisterial District, **W. E. CROXTON** requested Conditional Use and amendment of zoning district map to permit office and contractors office uses in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 0.9 acre and is known as 7001 Iron Bridge Road. Tax ID 772-677-8822 (Sheet 17).

Mr. Turner stated the Commission previously received notice advertising Case 05SN0166 for consideration at their February 15, 2005, meeting; however, the application had been amended and the amended request advertised for consideration on February 17, 2005. He asked the Commission to acknowledge the revised hearing date.

No one came forward to represent the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission acknowledged the revised hearing date of February 17, 2005, Planning Commission public hearing for Case 05SN0166.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS FOR DEFERRAL BY APPLICANTS.**

**04SN0224:** In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to June 21, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571 (Sheet 8).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the June 21, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0224 to the June 21, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**04SN0274:** In Midlothian Magisterial District, **TC MIDATLANTIC DEVELOPMENT INC.** requested deferral to May 17, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional employment center use. This request lies on 37.1 acres fronting approximately 1,000 feet on the north line of Midlothian Turnpike across from Watkins Center Parkway. Tax IDs 714-712-9323; 715-711-0444 and 4043; 715-712-3508; 716-713-Part of 5414; and 717-708-Part of 4353 (Sheet 5).

Mr. John V. Cogbill, III, the applicant's representative, requested deferral to the May 17, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer Case 04SN0274 to the May 17, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Mr. Turner called Case 05SN0102, Farrish Properties, LLC, noting the applicant was requesting deferral to the April 19, 2005, meeting and that approval of the deferral would necessitate amendment of the Commission's By-Laws to increase the caseload from fifteen (15) to sixteen (16) cases.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to amend the By-Laws to increase the caseload from fifteen (15) cases to sixteen (16) cases for the April 19, 2005, 7:00 p.m. Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0102:** In Dale Magisterial District, **FARRISH PROPERTIES, LLC** requested deferral to April 19, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) and Light Industrial (I-1) to Light Industrial (I-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0 to 2.5 units per acre. This request lies on 22.0 acres fronting approximately 360 feet on the north line of Old Lane approximately 670 feet east of Hopkins Road, fronting approximately 1,800 feet on the west line of the CSX Railroad intersecting with both Route 288 and Old Lane and fronting approximately 575 feet on the south line of Route 288 approximately 540 feet east of Hopkins Road. Tax IDs 786-666-3851 and 786-667-3619 (Sheets 18 and 26).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the April 19, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0102 to the April 19, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SR0115:** In Matoaca Magisterial District, **FREDERICK YAKELEWICZ AND MARIANNE YAKELEWICZ** requested deferral to May 17, 2005, of consideration for renewal of Conditional Use (Case 02SN0246) and amendment of zoning district map to permit a mobile auto repair and service business. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for 1-5 acre lots suited to R-88 zoning use. This request lies in an Agricultural (A) District on 4.5 acres fronting approximately 495 feet on the north line of Lakeview Avenue, approximately 700 feet east of Branders Bridge Road. Tax ID 794-623-Part of 5456 (Sheet 41).

Mr. Frederick Yakelewicz, one of the applicants, requested deferral to the May 17, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 05SR0115 to the May 17, 2005, Planning Commission public hearing.



AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONER.**

**05SN0147:** In Matoaca Magisterial District, **BILL DUVAL** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots, suited to R-88 zoning. This request lies on 232.4 acres fronting in two (2) places for a total of approximately 1,220 feet on the east line of River Road, also fronting approximately 270 feet on the north line of Hickory Road and located in the northeast quadrant of the intersection of these roads; also fronting approximately 150 feet on the west line of Rowlett Road, approximately 1,750 feet north of Hickory Road. Tax IDs 756-626-7462, 758-628-6726; and 760-628-2105 (Sheet 40).

Mr. Andy Scherzer, the applicant's representative, accepted deferral of the request by the District Commissioner to the March 15, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made Mr. Bass' request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 05SN0147 to the March 15, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**05SN0165:** In Bermuda Magisterial District, **SHERRY D. GORDON AND MIKE P. GORDON** requested amendment to Conditional Use Planned Development (Case 84S082) and amendment of zoning district map relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies in a Corporate Office (O-2) District on 1.2 acres and is known as 10331 Memory Lane. Tax ID 774-660-4052 (Sheet 25).

Mr. Mike Gordon, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0165.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0167:** In Bermuda Magisterial District, **BRECKENRIDGE ASSOCIATES LLC** requested amendment to zoning Case 86S156 and amendment of zoning district map relative to buffer and setback requirements.

The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor uses. This request lies in Community and General Business (C-3 and C-5) Districts on 30.9 acres and is known as 12700 Jefferson Davis Highway. Tax ID 798-653-0495 (Sheet 26).

Mr. Jim Theobald, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Mr. Lucyna Honorkiewicz, an adjacent property owner, voiced opposition to the request, citing concerns relative to the adverse impact the development would have with respect to noise, increased traffic and potential sewage pollution draining from the shopping center into the creek.

There being no one else to speak, Mr. Litton closed the public comment.

Mr. Wilson stated, based on his discussions, the adjacent subdivision appeared to be satisfied with the development, as proposed, and he was comfortable with a recommendation of approval.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0167 and acceptance of the following proffered condition:

#### PROFFERED CONDITION

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the property under consideration will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffers shall immediately be null and void and of no further force or effect.

Proffered Condition 11 of Case No. 86S156 is hereby amended and restated as follows:

11. On the western property line, adjacent to Tax ID 798-653-0325, there shall be a fifty (50) foot landscaped buffer, except as shown on the plan by Vanasse Hangen Brustlin, Inc. dated February 9, 2005. Within the fifty (50) foot buffer, healthy vegetation having a caliper of six (6) inches or greater shall be maintained, staggered evergreens (fifteen (15) feet on center, four (4) to five (5) foot minimum height at time of planting) shall be installed and minimum of a six (6) foot tall masonry wall shall be installed. The exact treatment of the buffers shall be approved by the Planning Department. There will be a 125 foot minimum building setback, except as shown on the aforementioned plan. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0168:** In Bermuda Magisterial District, **RED WATER CREEK LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan

suggests the property is appropriate for general commercial use. This request lies on 7.6 acres lying approximately 670 feet off the west line of Jefferson Davis Highway, approximately 600 feet north of Southland Drive. Tax ID 799-655-Part of 5876 (Sheet 26).

Mr. Matt McGinnis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0168 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Direct access from the property to Route 301 (Jefferson Davis Highway) shall be limited to one entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)
2. Prior to any site plan approval, a fifty (50) foot wide right of way for a special access street pursuant to Section 19-505 (b) of the Zoning Ordinance shall be dedicated through the property, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right of way shall be determined by the Transportation Department. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0169:** In Bermuda Magisterial District, **SAMUEL W. GALSTAN** requested Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements in a Neighborhood Business (C-2) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 0.4 acre and is known as 12290 Iron Bridge Road. Tax ID 780-652-5963 (Sheet 26).

Mr. Samuel Galstan, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson suggested that the recommended condition be modified to permit the setback exception only for those uses permitted by right or with restrictions in the Neighborhood Office (O-1) District.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0169, subject to the following condition:

#### CONDITION

With the approval of this request, a fifteen (15) foot exception to the forty (40) foot rear yard setback shall be granted only for those uses permitted by right or with restrictions in the Neighborhood Office (O-1) District. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0129:** In Bermuda Magisterial District, **STEPHEN MARCUS** requested rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial use. This request lies on 2.3 acres fronting approximately thirty-five (35) feet on the south line of Dundas Road approximately 425 feet west of Jefferson Davis Highway. Tax ID 790-683-Part of 5379 (Sheet 12).

No one came forward to represent the request.

There was opposition present; therefore, it was the consensus of the Commission to place Case 05SN0129 with those cases requiring discussion.

**05SN0142:** In Midlothian Magisterial District, **JIMMIE A. NORWOOD AND CHARLES G. LEWIS** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 0.5 acre and is known as 130 Buford Road. Tax ID 759-706-5587 (Sheet 7).

Mr. Jimmie Norwood, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Direct access from the property to North Providence Road shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)
2. Prior to any site plan approval, thirty-five (35) feet of right of way on the east side of North Providence Road, measured from the centerline of that part of North Providence Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Prior to the issuance of a certificate of occupancy, an additional lane of pavement shall be constructed along North Providence Road for the entire property frontage based on Transportation Department standards. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right of way (or easements) necessary for this improvement. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CODE AMENDMENT.**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended by amending and re-enacting Sections 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108 and 19-301. This amendment would improve Ordinance formatting, home occupations are moved from accessory to restricted uses; dance studios, motor vehicle repair, motor vehicle towing, motor vehicle painting or body work, motor vehicle detailing, private clubs and trash collection are prohibited as home occupations; standards are moved from definitions to restricted uses in R, R-TH and R-MF Districts; and restrictions for customers, storage, vehicle parking and residency requirements are added.

◆ ◆ ◆

Mr. Turner stated on December 13, 2004, the Commission deferred the proposed amendment to their February 15, 2005, public hearing to allow staff time to make further revisions; however, based on concerns discussed at the December 13<sup>th</sup> public hearing and today's work session, several changes had been suggested which necessitated staff requiring additional time to address the parking of tow vehicles and other commercial vehicles in residential districts.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to defer consideration of the proposed Ordinance Amendment relative to home occupations to the March 15, 2005, Planning Commission Work Session, at which time the Commission would determine whether or not to schedule a public hearing on April 19, 2005.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**05SN0129:** In Bermuda Magisterial District, **STEPHEN MARCUS** requested rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial use. This request lies on 2.3 acres fronting approximately thirty-five (35) feet on the south line of Dundas Road approximately 425 feet west of Jefferson Davis Highway. Tax ID 790-683-Part of 5379 (Sheet 12).

Ms. Peterson presented an overview of the request and staff's recommendation.

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Mr. Larry Klebert, retiring President of the Bensley Community Association; Ms. Margaret Davis, a Bensley resident; and Mr. Bryan Walker, a previous Bensley resident and member of several committees serving

the Bensley community; voiced opposition to, and asked the Commission to deny, the request, citing concerns that approval would set a precedent for further commercial encroachment into the neighborhood; that there were other properties in the area better suited and already zoned for the proposed uses; and the potential adverse impact the development would have on property values, the existing quality of life in the area and the community's historic essence.

Ms. Davis submitted a letter from Ms. Ree Hart, President of the Amthill Civic Association, in opposition to the request.

There being no one else to speak, Mr. Litton closed the public comment.

In rebuttal, Mr. Hawkins stated he understood the area residents' concerns; however, the proposed zoning and land uses conformed to the Jefferson Davis Highway Corridor Plan; the proffered conditions adequately addressed the appropriate transition to, and compatibility with, the adjacent residential development to the west and south; and the development would not adversely impact the existing quality of life in the community.

Mr. Bass expressed concerns relative to the appropriateness of the use in the area and questioned the current zoning line location and depth of the property.

Mr. Wilson indicated that the proposed zoning complied with the Plan; the proffered conditions addressed compatibility issues; and a number of residents had indicated the proposed development was preferable to that which could occur under the existing R-7 zoning.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0129 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. The uses permitted shall be limited to the following:
  - a) Contractors' Offices and Display Rooms;
  - b) Offices;
  - c) Warehouses for permitted uses. (P)
2. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. Storm runoff shall be detained on site and managed so as not to exceed the capacity of the culvert under Dundas Road for the 10-year storm event. (EE)
4. No Direct access shall be provided from the property to Dundas Road. (T)
5. Prior to any site plan approval, thirty-five (35) feet of right-of-way on the south side of Dundas Road, measured from the centerline of that part of Dundas Road immediately

adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

6. The public water and wastewater systems shall be used. (U)
7. A 120 foot setback for buildings, parking area and drives shall be required adjacent to the western property boundary. Within the westernmost 100 feet of this setback, trees containing a minimum of four (4) inches in caliper shall be preserved except when removal is required for the installation of utilities or drainage facilities to serve the Property. This condition does not preclude the removal of dead or diseased trees. (P)
8. All structures shall have an architectural style compatible with surrounding residential neighborhoods. No visible flat or shed roofs shall be permitted. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features. (P)
9. All loading areas shall be oriented away from the adjacent residentially-zoned properties. (P)
10. All lighting shall be mounted on poles not to exceed twenty (20) feet (P)
11. No use shall be open to the public between the hours of 8:00 p.m. and 6:00 a.m. (P)
12. The view of parking areas from residential properties to the west shall be screened by building(s) or shall be minimized with evergreen shrub hedgerows planted the length of such parking areas. The exact plant size and species of this evergreen hedgerow shall be reviewed and approved by the Planning Department in conjunction with site plan approval. (P)
13. Leyland Cypress trees shall be planted along the western and southern property boundaries, beginning at the northern boundary of Tax ID 790-683-3294 and ending at the location of the site entrance on Sherbourne Road. At the time of planting, these trees shall be a minimum height of seven (7) feet and shall be planted a maximum of ten feet on center. These plantings shall be in addition to those required by Ordinance within the buffer areas. (P)
14. A gate having a minimum height of six (6) feet shall be installed at the site entrance to Sherbourne Road to secure access to the property during non-operational hours. (P)

AYES: Messrs. Litton, Wilson, Gulley and Gecker.

NAY: Mr. Bass.

**04SN0271:** In Bermuda Magisterial District, **JACK AND NINA SHOOSMITH** requested rezoning and amendment of zoning district map from Community Business (C-3) to Community Business (C-3) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use which could include corporate office and multifamily

residential uses of 7 to 10 units per acre and residential uses of 1.01 to 2.5 units per acre. This request lies on 20.4 acres fronting approximately 1,250 feet on the south line of Iron Bridge Road approximately 1,000 feet on the east line of Branders Bridge Road and approximately 900 feet on the north line of West Hundred Road and located at the intersection of these roads. Tax IDs 782-651-3577, 4567, 5761, 7069 and 9075; 782-652-0316, 5011 and 9213; and 783-652-1315 (Sheet 26).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not conform to the Chester Village Plan; that approval of the request could set a precedent for additional commercial development in areas designated on the Plan for mixed use; the proposed zoning and land use encroached into an existing and planned residential area; and many of the proposed exceptions to Ordinance requirements were inconsistent with the established design criteria of the Corridor. She further referenced two (2) addendums which provided revised and new proffered conditions offered by the applicant in response to concerns of area residents and the Bermuda District Commission as well as the inclusion of additional text in Proffered Conditions 12 and 13.e. that had been struck from the "Request Analysis."

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation; addressed transition and access issues; outlined planned improvements and amenities; stated the applicant, in numerous meetings with area residents, had made every effort to address their issues and resolve concerns; and stated a quality, successful neighborhood shopping center development was envisioned for the area.

Mr. Litton opened the discussion for public comment.

Ms. Phyllis Bass, a Chester resident, voiced opposition to the request, citing concerns relative to the potential for the location of a gasoline station in proximity to an adjacent school and the nuisance/danger/distraction such a facility would pose for the students.

There being no one else to speak, Mr. Litton closed the public comment.

There was discussion and staff addressed concerns/answered questions relative to the appropriateness of the use; the impact of the proposed use on the adjacent community school student population; and other concerns.

Mr. Wilson noted that the existing zoning allowed for a gasoline station; the development was generally supported by the community; and the proffers ensured a quality development.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 04SN0271 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Utilities. Public water and wastewater systems shall be used. (U)
2. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the



Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

3. Stormwater Management.

- a. For any area that drains to the Chester Fishing Club Pond, the developer shall not opt-out of the Chesapeake Bay Preservation requirements. The Best Management Practice (BMP) used for the development shall be designed so that it can be monitored by the developer to determine if the percentage of removal of phosphorous, as indicated by the State, is being achieved. This monitoring plan shall be submitted by the developer to the Department of Environmental Engineering's Water Quality Section for their review and approval.
- b. The existing lake owned by Chester Fishing Club must be analyzed for any adverse hydrological impact as a result of the new development. The cost of all hydraulic improvements shown to be necessary by the analysis shall be borne by the applicant, developer, or assigns. The improvements shall be made in accordance with a plan that schedules improvements to be made at such time to prevent the increasing runoff from exceeding the dam's hydraulic capacity. Any hydraulic improvements shall be designed and certified by a Professional Engineer. (EE)

4. Uses.

- a. Uses on property known as Tax ID 783-652-1315 shall be limited to offices, funeral homes or mortuaries.
- b. A minimum of an 8,000 gross square foot building shall be constructed at the northeastern most portion of Tax ID 783-652-1315; provided however, that a BMP may be constructed between such building and Route 10. Until Certificates of Occupancy have been issued for this building, no more than 100,000 gross square feet of C-3 uses, excluding those uses permitted by right or with restrictions in the Neighborhood Office (O-1) District, shall receive any Certificates of Occupancy. (P)
- c. Except as noted in Proffered Condition 4.a. uses shall be limited to those uses permitted by-right and with restrictions in the C-3 District except the following uses shall not be permitted:
  - i. Cocktail lounges and nightclubs,
  - ii. Pool halls.
  - iii. Second hand shops.
  - iv. Skating rinks.
  - v. Video arcades.
  - vi. Bowling alley.

(Note: In the event additional uses are allowed in the C-3 zoning classification, at no time shall multifamily housing, townhouses, or pawnshops be permitted). (P)

5. Buffer. A seventy-five (75) foot buffer shall be maintained adjacent to Tax ID's 783-632-3521 and 783-651-2283. This buffer shall conform to sections 19-520 (a), 19-521 and 19-522 of the Zoning Ordinance. Additional medium evergreen shrubs shall be provided within this buffer at a height of three (3) to four (4) feet at time of planting and planted at an average rate of one per eight (8) foot within this buffer. (Note: This condition allows modification of the buffer requirement by the Planning Commission through site plan review.) (P)
6. Tenant Size. With the exception of one tenant, no tenant space shall exceed 50,000 gross square feet in area. Provided further, in no event shall a tenant space exceed 65,000 gross square feet in area. (P)
7. Design Guidelines. The development shall comply with the requirements of the Chester Village design criteria found in the 'Development Requirements – Village District' as stated in the Chesterfield County Zoning Ordinance as it pertains to the following:
  - a. External Lighting
  - b. Street Lighting
  - c. Street Tree Planting (P)
8. Building Heights. Building heights shall not exceed one and a half stories. (P)
9. Architecture. The architectural treatment of buildings, to include materials, color and style, shall be compatible with Rivers Bend Shopping Center. Compatibility may be achieved through the use of similar building massing, materials, scale, colors or other architectural features. (P)
10. Sidewalks Sidewalks, and crosswalks where necessary, shall be constructed along the east side of Branders Bridge Road, the north side of West Hundred Road and the south side of Route 10 for the entire length of the subject properties adjacent to such roads. The exact location and design of these improvements shall be determined by the Transportation and Planning Departments. (T&P)
11. Transportation. Prior to any final site plan approval, the following rights of way shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County:
  - a. One hundred (100) feet of right of way on the south side of Route 10, measured from the centerline of that part of Route 10, immediately adjacent to the property;
  - b. Forty-five (45) feet of right of way on the east side of Branders Bridge Road, measured from the centerline of that part of Branders Bridge Road, immediately adjacent to the property;

- c. Forty-five (45) feet of right of way on the north side of West Hundred Road, measured from the centerline of that part of West Hundred Road, immediately adjacent to the property. (T)
- 12. Access. Direct access from the property to Route 10 shall be limited to two (2) entrance/exits. One (1) Route 10 access shall be located approximately midway of the Route 10 property frontage, and the second Route 10 access shall be located towards the eastern property line. Direct access from the property to Branders Bridge Road shall be limited to two (2) entrance/exits. One (1) entrance/exit on Branders Bridge Road shall generally align Carver Heights Drive and be designed to preclude vehicles exiting the property from traveling southbound on Branders Bridge Road. The second entrance/exit on Branders Bridge Road shall be located approximately halfway between Carver Heights Drive and Route 10 and shall be limited to right turns only. The exact location and design of these accesses shall be approved by the Transportation Department. Direct access from the property to West Hundred Road shall be limited to one (1) entrance/exit located towards the eastern property line. The exact location of this access shall be approved by the Transportation Department. Prior to any site plan approval, an access easement(s), acceptable to the Transportation Department, shall be recorded across the property to ensure use of these accesses with adjacent properties. (T)
- 13. Road Improvements. To provide an adequate roadway system, the developer shall be responsible for the following:
  - a. Construction of additional lane of pavement along the eastbound lanes of Route 10 for the entire property frontage;
  - b. Construction of an additional lane of pavement along the eastbound lanes of Route 10 at each approved access to provide a separate right turn lane;
  - c. Construction of a new crossover on Route 10, east of the Branders Bridge Road intersection, located towards the eastern property line. The exact location of this crossover shall be approved by the Transportation Department. Adequate left turn lanes shall be constructed in both directions on Route 10 at this crossover;
  - d. Full cost of traffic signalization at the site access/Route 10 intersection, if warranted as determined by the Transportation Department;
  - e. Construction of an additional lane of pavement along Branders Bridge Road for the entire property frontage;
  - f. Full cost of traffic signal modification at the Branders Bridge Road/Route 10 intersection, if required as determined by the Transportation Department;
  - g. Construction of a traffic island/circle in West Hundred Road at the approved access, if approved by the Transportation Department and VDOT. In the event a

traffic island/circle is not approved for the West Hundred Road access, additional pavement shall be constructed along West Hundred Road at the approved access to provide left and right turn lanes, if warranted. Relocation of the ditch to provide an adequate shoulder along the north side of West Hundred Road for the entire property frontage; and

- h. Construction of a raised median along Branders Bridge Road from Route 10 to West Hundred Road with a directional crossover at Carver Heights Drive. This directional crossover shall be designed to preclude vehicles exiting the property from traveling southbound on Branders Bridge Road. The exact length and design of these improvements shall be approved by the Transportation Department;
  - i. Construction of additional pavement along Branders Bridge Road to provide a right turn lane at each approved access;
  - j. Construction of additional pavement along Branders Bridge Road to provide a left turn lane at the directional crossover at Carver Heights Drive; and
  - k. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
14. Prior to any final site plan approval, a phasing plan for the required road improvements, as identified herein, shall be submitted to and approved by the Transportation Department. (T)
15. The Textual Statement dated July 6, 2004 and revised February 14, 2005, shall be considered the Master Plan. (P)
16. Notification. The developer shall be responsible for notifying by registered, certified or first class mail the last known representative on file with the Chesterfield County Planning Department of Chester Community Association and the Chester Fishing Club of the submission of any site plan for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**05SN0148:** In Bermuda Magisterial District, **MICHAEL BARR** requested rezoning and amendment of zoning district map from Residential (R-12), General Business (C-5) and Light Industrial (I-1) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for community commercial use and for residential use of 2.51 to 4.0 units per acre. This request lies on 15.5 acres fronting approximately 970 feet on the south line of Hamlin Creek Parkway approximately 700 feet east of Chester Road. Tax IDs 788-665-Part of 9224 and 789-664-Part of 3463 (Sheet 26).

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use failed to conform to the Chester Village Plan and failed to provide appropriate transitions between commercial and single family residential uses.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, stating the proposed residential project, as proffered, did provide an appropriate transition not only between the existing commercial and light industrial development but also between the shopping center and warehouse uses and the established Hilltop Farms and proposed Brooks Chapel neighborhoods. He stated input from community meetings indicated the project met community needs and area residents' approval.

In response to a question from Mr. Gulley, Mr. Scherzer stated that based on the anticipated traffic generated by the number of lots from the proposed subdivision to the southwest (Brooks Chapel Subdivision) and the number of lots that could be developed on the subject property, traffic volumes on Hamlin Creek Parkway were anticipated to approach but not exceed the acceptable subdivision street volume as defined by the Stub Road Policy.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson indicated that the proffers addressed concerns relative to the compatibility.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0148 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Public water and wastewater shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of any building permit(s) for infrastructure improvements within the service district for the property:
  - A. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005; or
  - B. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2004, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
  - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B&M)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

4. All dwelling units shall have a minimum gross floor area of 1800 square feet. (P)
5. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (P)
6. The development of that part of the property located on the south side of Hamlin Creek Parkway shall be designed to minimize the number of lots fronting Hamlin Creek Parkway and to minimize the impact of the commercial development to the north. Such design shall include, but not necessarily be limited to, the orientation of the lots, landscaping or other design features. However, under no circumstances shall there be more than two (2) lots fronting the south line of Hamlin Creek Parkway. The exact design shall be approved at the time of tentative subdivision review. (P)
7. The maximum density of this development shall not exceed 20 lots. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

**F. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 8:21 p. m. to February 17, 2005, at 7:00 p. m. in the Public Meeting Room of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

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Chairman/Date

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Secretary/Date